

FILED
U.S. DISTRICT COURT

2013 AUG 14 A 11:39

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

James Arnett
Plaintiff, In Propria Persona (I.F.P.)
9288 N. Monmouth Court
Tucson, Arizona 85742
Telephone: (520)304-0129
Email: jamesarnettaz@gmail.com

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

JAMES ARNETT,

Plaintiff,

v.

BENJAMIN SNOW HOWARD;
LIFELINE MEDIA LLC, a Utah
entity; NATIONWIDE AFFORDABLE
HOUSNG, a Texas corporation; and the
BEN HOWARD TRUST, an Idaho
trust,

Defendants.

MOTION

Judge Ted Stewart

Case No.: 2:13-cv-00591-TS

Plaintiff James Arnett, representing himself Pro Se, originates this motion
in regard to the following issue:

MOTION

Plaintiff James Arnett, representing himself Pro Se, respectfully requests that this honorable Court expedite an inquiry, regarding a violation of 18 USC§1512(b), hampering Plaintiff's ability to gain affidavit and testimony from a key witness, material to this case. Good Cause is shown as follows:

18 USC§1512(b) VIOLATION

Upon information and belief gained during Plaintiff Arnett's investigative interviews with potential witnesses, Plaintiff alleges that Defendant Benjamin Snow Howard appears to have knowingly used intimidation, threats, and has corruptly persuaded another person, and has attempted to do so, and has engaged in misleading conduct toward another person, with the intent to frighten and induce the former **Mrs. Robin Howard** to withhold testimony from an official proceeding and to withhold making affidavit, reciting the account of her testimony, material to Plaintiff's Complaint, and in the prosecution of his Claims to seek judicial relief.

The former Mrs. Robin Howard has disclosed to Plaintiff Arnett that prior to his interview with her for an affidavit, that Defendant Howard had, on numerous occasions, communicated threats and had made misleading statements to her for the purpose of inducing her to withhold her testimony or suffer from his reprisals in a variety of natures, not excluding physical harm – due to the materiality of her testimony negatively impacting Defendant Howard's defense in this case.

As a result, the former Mrs. Howard has withheld her affidavit from Plaintiff Arnett, due to the dread and expectation of Defendant Howard delivering on any one of the several threats he has already made to her, should she make statements or otherwise testify before this honorable Court, in regard to this case.

Although not intended as evidence toward the Claims of this case, Plaintiff does have in his possession, audio recordings of a telephone interview with the former Mrs. Howard (recorded for transcript purposes), which substantiate the fears and concerns she has articulated telephonically. Plaintiff wishes to make said audio recordings available to this honorable Court via email or disc, along with this Witness' current telephone number, to justify this honorable Court in interviewing said Witness for verification purposes. This witness has since changed her telephone number in order to sever contact with Defendant Howard.

Wherefore, Plaintiff also wishes to make disclosure of the telephone contact information for this Witness to this honorable Court, in a confidential manner, so it remains restricted from Defendant Howard, et al., since the telephone number was recently changed. The purpose of this verification is to make this Witness available for an interview with this honorable Court, in order to ascertain the allegations and facts in regard to this allegation - firsthand. The Witness has agreed to this interview, but is only willing to speak directly with the presiding Judge, the honorable District Judge Ted Stewart.

RESTRAINING ORDER OF PROTECTION

Whereas, Mrs. Howard has no objection to giving her testimony in affidavit or otherwise, she stated to Plaintiff that she would only do so under the protection of this honorable Court and has otherwise refused to do so without, at a minimum, the protection of a Court Order of Protection or Restraining Order.

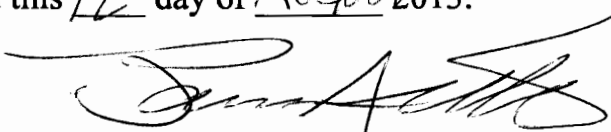
Wherefore, Plaintiff respectfully requests that this honorable Court interview this Witness, the former Mrs. Robin Howard, for the purpose of ascertaining Good Cause for the Issuance of said Order, so this Witness may freely provide affidavit and testimony to this honorable Court in its official proceedings of this case.

FIREARMS PROHIBITION

Whereas the testimony of this key Witness has the immediate potential to confirm the allegations of Plaintiff Arnett, she intends to provide testimony that may transcend this case into probable cause for further investigation toward criminal charges for significant frauds against the I.R.S., U.S.P.S., and charitable programs of the United States of America, the State of Utah, Utah charities, and the Utah L.D.S. community. Defendant Howard, part of the notorious Repke organized crime ring (as officially determined by the honorable District Judge Orinda D. Evans, in case 1:09-CV-02799-ODE, Northern District of Georgia), does have extraordinary motivation, convenient access, and the means to actually carry out his threats, which this Witness has alleged to Plaintiff.

Wherefore, the nature of Defendant Howard's threats appear to make him a credible security threat to the Witness, the former Mrs. Robin Howard. Upon confirmation by this honorable Court of these telephonic allegations via interview, Plaintiff respectfully requests that the appropriate Due Process be applied and an Order be issued by this honorable Court to further Prohibit Defendant Howard from being in possession of any firearms for the duration of this case, as a matter of addressing the Good Cause brought forth by any interview(s) with said Witness.

Respectfully submitted this 12th day of AUGUST 2013.



James Arnett, In Propria Persona (I.F.P.)

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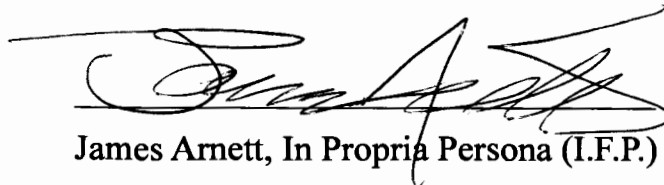
NOTICE

Judge Ted Stewart

Case No.: 2:13-cv-00591-TS

Plaintiff James Arnett makes Notice to this honorable Court that Defendants have failed to correct their cover pages since the prior Notice given in Document 57. Defendant Lifeline Media LLC. is a UTAH entity, not a Texas entity.

Respectfully submitted this 12th day of August 2013.

A handwritten signature in black ink, appearing to read 'James Arnett', is written over a horizontal line.

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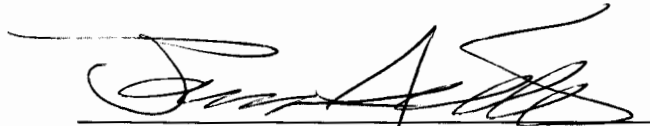
CERTIFICATE OF SERVICE

I hereby certify that on this day, Monday the 12th of August 2013, I mailed the preceding MOTION and NOTICE to the Office of the Clerk of the United States Court for the District of Utah at:

U.S. Court for the District of Utah
350 South Main Street
Salt Lake City, Utah 84101

I also hereby certify that I have mailed these identical materials via United States Postal Service, to the following Attorneys for Defendants Howard, et al.:

TYCKSEN & SHATTUCK, LLC
Bryan J. Stoddard
12401 S. 450 E., Suite E-1
Draper, UT 84020

A handwritten signature in black ink, appearing to read 'James Arnett', is written over a horizontal line.

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